

#16

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Patent Application: : Group Art Unit: 2862  
Richard Allen Venable :  
Serial Number: 09/450,037 : Examiner: Snow, Walter E.  
Filed: 11/29/1999 : Confirmation No.: 7060  
Title: Planishing Apparatus And Method : Attorney Docket No.: ZW-24B

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I certify that this correspondence is being transmitted electronically to the United States Patents and Trademark Office on January 22, 2009.

/Sherri A Rose/  
Sherri A. Rose

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Sir:

Applicants hereby petition under 37 CFR 1.181 and MPEP 711.03(c) for withdrawal of the holding of abandonment of the subject patent application based upon the failure to receive the Notice of Allowance and Fee(s) Due mailed on March 11, 2002.

**STATEMENT:**

1. The subject patent application was filed on behalf of the Applicants by the undersigned attorney, on November 29, 1999. The application transmittal papers stated the undersigned attorney's correspondence address as:

William H. Meise  
Patent Operation  
Lockheed Martin Corporation  
314B - Bldg. 28  
P.O. Box 8048  
Philadelphia, PA 19101.

2. On May 22, 2000, the undersigned attorney filed a "Change Of Address" (the first address change request), which requested that all future correspondence in the subject application be mailed to the following address (the King of Prussia Lockheed Martin correspondence address):

W. H. Meise  
Lockheed Martin Corporation  
608 - Bldg. 27  
P.O. Box 1561  
King of Prussia, PA 19406.

A copy of the first address change request is submitted herewith.

3. On January 04, 2002, the undersigned attorney filed a "Change Of Attorney Or Agent's Address In Application" (the second address change request) and a corresponding post card receipt. The second address change request requested that all correspondence for the application be mailed to the address associated with customer number 28581 (the Duane Morris correspondence address). A copy of the second address change request and a copy of the post card receipt stamped by USPTO on February 11, 2002, are submitted herewith. The correspondence address associated with customer number 28581 on January 04, 2002 was:

Duane Morris LLP  
100 College Road West Suite 100  
Princeton, NJ 08540.

4. A search of the file jacket of the subject patent application was made on or about June 27, 2008, which revealed that no further USPTO correspondence had been received in the subject application after receipt of the post card receipt stamped by the USPTO on February 11, 2002.

5. On or about June 27, 2008, the undersigned attorney's legal assistant, Janet Knorr-Stonska (Stonska), attempted to conduct a search on the Patent Application Information Retrieval (PAIR) system to determine the status of the subject application, but was denied access thereto.

6. In order to gain access to the subject application on the PAIR system, the undersigned attorney filed by facsimile transmission a "Change Of Correspondence Address" (the third address change request) on June 27, 2008, which again requested that all correspondence for the application be mailed to the address associated with customer number 28581 (the Duane Morris correspondence address), which is currently Duane Morris LLP, P.O. Box 5203, Princeton, NJ 08543-5203. A copy of the third address change request is submitted herewith.

7. Sometime after June 27, 2008, Stonska attempted to conduct a search on the PAIR system for the subject application to determine the current status thereof, but was again denied access thereto.

8. On December 22, 2008, the undersigned attorney had a search conducted on the PAIR system under the subject patent application, which uncovered a "Mail Notice Of Allowance" transaction description (the Notice of Allowance) with a date of March 11, 2002, and a "Mail Abandonment For Failure to Pay Issue" transaction description (the Notice of Abandonment) with a date of July 19, 2002, in the subject application's Transaction History. The Notice of Allowance and the Notice of Abandonment were not available in the image file wrapper of the subject application.

9. On January 16, 2009, the undersigned attorney obtained copies of the Notice of Allowance and the Notice of Abandonment, to determine the reason for the non-receipt of these papers.

10. The review of the Notice of Allowance has revealed that this paper was incorrectly addressed to:

W.H. Meise  
Duane Morris LLP  
100 College Road West Suite 100  
**King Of Prussia, PA 19406**

and not the undersigned attorney's Duane Morris correspondence address of record, i.e.:

W.H. Meise  
Duane Morris LLP  
100 College Road West Suite 100  
**Princeton, NJ 08540.**

A copy of the Notice of Allowance is submitted herewith.

11. The review of the Notice of Abandonment has revealed that this paper was incorrectly addressed to:

W.H. Meise  
Duane Morris LLP  
100 College Road West Suite 100  
**King Of Prussia, PA 19406**

and not the undersigned attorney's Duane Morris correspondence address of record, i.e.:

W.H. Meise  
Duane Morris LLP  
100 College Road West Suite 100  
**Princeton, NJ 08540.**

A copy of the Notice of Abandonment is submitted herewith.

12. Accordingly, the search of the file jacket referred to in paragraph 4, did not reveal the Notice of Allowance (mail date March 11, 2002) or the Notice of Abandonment (mail date July 19, 2002).

13. A copy of the firm's master docket showing non-receipt of the Notice of Allowance and Notice of Abandonment is not available because the docketing system utilized at the time these papers would have been received is no longer in use. The subject application was transferred to the current docketing system on or about February 16, 2004. In any case, such evidence does not appear to be necessary to show non-receipt of these documents at the undersigned attorney's

correspondence address of record because the incorrect correspondence address on each of these papers clearly establishes non-receipt of same at the undersigned attorney's correspondence address of record.

14. This petition is believed to be timely under 37 CFR 1.181 (f), as it has been filed within two months of the actual notice of the Notice of Abandonment obtained from PAIR on December 22, 2008.

15. In view of the foregoing, the Applicants hereby respectfully request withdrawal of the holding of abandonment of the subject patent application and re-mailing of the Notice of Allowance.

16. No fee is believed to be due as a result of this communication. The Commissioner is hereby authorized to charge any other fees which may be required or credit any overpayment to Deposit Account No. 04-1679.

Respectfully submitted,

Date: January 22, 2009

/William H. Meise/  
William H. Meise  
Registration No. 27,574

DUANE MORRIS LLP  
P.O. Box 5203  
Princeton, NJ 08543-5203  
Direct Telephone: 609.631.2453